

2003 DRAFTING REQUEST**Bill**Received: **09/16/2002**Received By: **mkunkel**Wanted: **As time permits**

Identical to LRB:

For: **Sheldon Wasserman (608) 266-7671**By/Representing: **Sarah Osterberg**This file may be shown to any legislator: **NO**Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic
Health - public health**Extra Copies: **DAK, PJH**Submit via email: **YES**Requester's email: **Rep.Wasserman@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorize physician, physician assistant, or advanced practice nurse to prescribe & pharmacist dispense specific drugs to patient for use by another

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 09/23/2002	kgilfoy 10/16/2002					State
/1			pgreensl 10/17/2002		lkunkel 10/17/2002	amentkow 01/13/2003	

01/13/2003 10:04:15 AM

Page 2

FE Sent For:

<END>

→ At
Intro.

2003 DRAFTING REQUEST**Bill**Received: **09/16/2002**Received By: **mkunkel**Wanted: **As time permits**

Identical to LRB:

For: **Sheldon Wasserman (608) 266-7671**By/Representing: **Sarah Osterberg**This file may be shown to any legislator: **NO**Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic
Health - public health**Extra Copies: **DAK, PJH**Submit via email: **YES**Requester's email: **Rep.Wasserman@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorize physician, physician assistant, or advanced practice nurse to prescribe & pharmacist dispense specific drugs to patient for use by another

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 09/23/2002	kgilfoy 10/16/2002					State
/1			pgreensl 10/17/2002		lkunkel 10/17/2002		

• 10/17/2002 02:34:57 PM
• Page 2

FE Sent For:

<END>

2003 DRAFTING REQUEST**Bill**

Received: 09/16/2002

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: Sheldon Wasserman (608) 266-7671

By/Representing: Sarah Osterberg

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Occupational Reg. - prof lic
Health - public health

Extra Copies: DAK, PJH

Submit via email: YES

Requester's email: Rep.Wasserman@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorize physician, physician assistant, or advanced practice nurse to prescribe & pharmacist dispense specific drugs to patient for use by another

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

FE Sent For:

1-10/16
kmg10/17
p810/17
<END>

p8 10/17

Kunkel, Mark

From: Osterberg, Sarah
Sent: Friday, August 16, 2002 9:50 AM
To: Kunkel, Mark
Subject: DRAFTING REQUEST

Hi, Mark,

Please redraft two 2001 bills for Gheldon for the 2003-04 session:

AB 427 (LRB 3347/1), incorporating AA1 (LRBa0934/1), and, AB 698, incorporating AA1 (LRB a12903/1) and AA2 (LRBa1417/1)

Thanks!

Sarah Osterberg
Wasserman Staff

↓
- 0082

→ 0083

Kunkel, Mark

From: Osterberg, Sarah
Sent: Thursday, September 19, 2002 2:36 PM
To: Kunkel, Mark
Subject: RE: DRAFTING REQUEST

sorry! the /2 is what i want. that is the amendment the health committee adopted this session. thanks.

-----Original Message-----

From: Kunkel, Mark
Sent: Thursday, September 19, 2002 2:12 PM
To: Osterberg, Sarah
Subject: RE: DRAFTING REQUEST

Sarah:

The first bill (based on AB 427) is in editing.

As for the 2nd bill (based on AB 698), note that AA1 is actually LRBa1293/2, not LRBa1293/1. I'm assuming you want LRBa1293/2. The difference is that, under LRBa1293/2, the 14-day expiration period for a prescription is eliminated. (LRBa1293/1 maintains the 14-day expiration period).

I'm assuming you want to eliminate the 14-day expiration period, which is the result under LRBa1293/2. Is that what you want?

-- Mark

-----Original Message-----

From: Osterberg, Sarah
Sent: Friday, August 16, 2002 9:50 AM
To: Kunkel, Mark
Subject: DRAFTING REQUEST

Hi, Mark,

Please redraft two 2001 bills for Sheldon for the 2003-04 session:

AB 427 (LRB 3347/1), incorporating AA1 (LRBa0934/1); and, AB 698, incorporating AA1 (LRB a12903/1) and AA2 (LRBa1417/1)

Thanks!

Sarah Osterberg
Wasserman Staff

State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa1293/1
.JK&MDK:kmg:jf

ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 698

amend amendmentⁿ
to strike
lines 23+24 on page 3 of the bill
(per Sarah's voice
mail message)
Thanks!
This is needed
no later than
8:30AM
2/27
Wed.

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 3: delete "single-dose".

3 2. Page 2, line 4: delete "must" and substitute "may".

4 3. Page 2, line 4: after "(3)" insert "and encourage physicians, physician
5 assistants, and advanced practice nurse prescribers to provide such information to
6 a patient under s. 448.035 (3)".

7 4. Page 3, line 5: delete "a single-dose" and substitute "an".

8 5. Page 3, line 6: after "drug" insert "as a course of therapy".

9 6. Page 3, line 10: delete "but" and substitute "a statement that indicates that
10 the patient should ask the person with whom the patient has had sexual intercourse
11 whether that person is allergic to the drug, and a statement that indicates that the
12 drug should not be taken by a person who is allergic to the drug. The prescription
13 order".

(b) "Antibiotic drug" means an antibiotic drug recommended for treatment of chlamydia, gonorrhea, or trichomonas in the most current guidelines for the treatment of sexually transmitted diseases of the federal centers for disease control.

(2) Notwithstanding the requirements of s. 448.30, a physician, physician assistant, or advanced practice nurse prescriber may prescribe a single-dose antibiotic drug ^{or a course of therapy} for treatment of chlamydia, gonorrhea, or trichomonas to a patient for use by a person with whom the patient has had sexual intercourse if the patient states to the physician, physician assistant, or advanced practice nurse prescriber that the person is not allergic to the drug. The prescription order is required to include the name and address of the patient, ~~but~~ is not required to include the name and address of the person with whom the patient has had sexual intercourse. This subsection does not apply to the prescribing of a substance listed in the schedules in ss. 961.14, 961.16, 961.18, 961.20, and 961.22 or substances added by the controlled substances board acting under s. 961.11 (1). A physician, physician assistant, or advanced practice nurse prescriber may not issue prescriptions under this subsection for more than 2 persons in one year with whom a particular patient has had sexual intercourse.

(3) At the time of issuing the prescription under sub. (2), the physician, physician assistant, or advanced practice nurse prescriber ~~shall~~ ^{may} provide the patient, in writing, with information specified by the department of health and family services under s. 46.03 (45) and request that the patient give the information to the person with whom the patient has had sexual intercourse.

(4) A prescription order under sub. (2) shall expire on the 14th day after the day that it is made.

SECTION 6. 448.04 (1) (a) of the statutes is amended to read:

not necessary
a statement ~~was made~~ the patient to ask the person with whom
the patient has had sexual intercourse to ask the person ^{if} ~~that~~ ^{they} ~~is~~ ^{has}
~~he or she is allergic to the drug, and a statement that the drug should~~
~~be given to the person with whom the patient has had sexual intercourse.~~

**ASSEMBLY AMENDMENT 2,
TO 2001 ASSEMBLY BILL 698**

March 4, 2002 - Offered by Representative WASSERMAN.

1 At the locations indicated, amend the bill as follows:

2 ~~1.~~ Page 1, line 3: delete "single-dose".

3 ~~2.~~ Page 2, line 4: after "(3)." insert "The information shall consist of
4 information about sexually transmitted diseases and their treatment and about the
5 risk of drug allergies. The information shall also include a statement advising a
6 person with questions about the information to contact his or her physician or local
7 health department, as defined in s. 250.01 (4).".

8 ~~3.~~ Page 3, line 5: delete "a single-dose" and substitute "an".

9 ~~4.~~ Page 3, line 6: after "drug" insert "as a course of therapy".

10 ~~5.~~ Page 3, line 10: delete "but" and substitute "a statement that indicates that
11 the patient should ask the person with whom the patient has had sexual intercourse
12 whether that person is allergic to the drug, and a statement that indicates that the

1 drug should not be taken by a person who is allergic to the drug. The prescription
2 order”.

3 ~~6.~~ Page 3, line 23: delete lines 23 and 24.

4 ~~7.~~ Page 4, line 22: delete “a single-dose” and substitute “an”.

5 ~~8.~~ Page 4, line 23: after “drug” insert “as a course of therapy”.

6 (END)

**ASSEMBLY AMENDMENT 1,
TO 2001 ASSEMBLY BILL 698**

February 27, 2002 - Offered by Representative WASSERMAN.

1 At the locations indicated, amend the bill as follows:

2 ~~1.~~ Page 1, line 3: delete "single-dose".

3 ~~2.~~ Page 2, line 4: delete "must" and substitute "may".

4 ~~3.~~ Page 2, line 4: after "(3)" insert "and encourage physicians, physician
5 assistants, and advanced practice nurse prescribers to provide such information to
6 a patient under s. 448.035 (3)".

7 ~~4.~~ Page 3, line 5: delete "a single-dose" and substitute "an".

8 ~~5.~~ Page 3, line 6: after "drug" insert "as a course of therapy".

9 ~~6.~~ Page 3, line 10: delete "but" and substitute "a statement that indicates that
10 the patient should ask the person with whom the patient has had sexual intercourse
11 whether that person is allergic to the drug, and a statement that indicates that the
12 drug should not be taken by a person who is allergic to the drug. The prescription
13 order".

- 1 ~~7.~~ Page 3, line 19: delete “shall” and substitute “may”.
- 2 ~~8.~~ Page 3, line 23: delete lines 23 and 24.
- 3 ~~9.~~ Page 4, line 22: delete “a single-dose” and substitute “an”.
- 4 ~~10.~~ Page 4, line 23: after “drug” insert “as a course of therapy”.

5

(END)

ASSEMBLY BILL 698

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

44
44
1 SECTION 1. 46.03 (46) of the statutes is created to read:

2 46.03 (44) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. Promulgate
3 a rule specifying the information that a physician, physician assistant, or advanced
4 practice nurse prescriber ~~must~~ ^{may} provide, in writing, to a patient under s. 448.035 (3). INSEPT
2-4

5 SECTION 2. 441.07 (1) (d) of the statutes is amended to read:

6 441.07 (1) (d) Misconduct or unprofessional conduct. In this paragraph,
7 "misconduct" and "unprofessional conduct" do not include the prescribing of an
8 antibiotic drug as described in s. 448.035. ✓

9 SECTION 3. 441.16 (3m) ✓ of the statutes is created to read:

10 441.16 (3m) An advanced practice nurse who is certified under sub. (2) ✓
11 prescribe an antibiotic drug as described in s. 448.035. ✓

12 SECTION 4. 448.015 (4) of the statutes is amended to read:

13 448.015 (4) "Unprofessional conduct" means those acts or attempted acts of
14 commission or omission defined as unprofessional conduct by the board under the
15 authority delegated to the board by s. 15.08 (5) (b) and any act by a physician or
16 physician assistant in violation of ch. 450 or 961. "Unprofessional conduct" does not
17 include the prescribing of an antibiotic drug as described in s. 448.035. ✓

18 SECTION 5. 448.035 of the statutes is created to read:

19 448.035 Prescribing certain antibiotic drugs. (1) In this section:

20 (a) "Advanced practice nurse prescriber" means a nurse who is certified under
21 s. 441.16 (2). ✓

ASSEMBLY BILL 698

(b) "Antibiotic drug" means an antibiotic drug recommended for treatment of chlamydia, gonorrhea, or trichomonas in the most current guidelines for the treatment of sexually transmitted diseases of the federal centers for disease control.

(2) Notwithstanding the requirements of s. 448.30, a physician, physician assistant, or advanced practice nurse prescriber may prescribe ^{an} ~~a single dose~~ as a course of therapy antibiotic drug for treatment of chlamydia, gonorrhea, or trichomonas to a patient for use by a person with whom the patient has had sexual intercourse if the patient states to the physician, physician assistant, or advanced practice nurse prescriber that the person is not allergic to the drug. The prescription order is required to include the name and address of the patient, ~~and~~ ^{INSERT 3-10} is not required to include the name and address of the person with whom the patient has had sexual intercourse. This subsection does not apply to the prescribing of a substance listed in the schedules in ss. 961.14, 961.16, 961.18, 961.20, and 961.22 or substances added by the controlled substances board acting under s. 961.11 (1). A physician, physician assistant, or advanced practice nurse prescriber may not issue prescriptions under this subsection for more than 2 persons in one year with whom a particular patient has had sexual intercourse.

(3) At the time of issuing the prescription under sub. (2), the physician, physician assistant, or advanced practice nurse prescriber ^{may} ~~shall~~ provide the patient, in writing, with information specified by the department of health and family services under s. 46.03 ⁴⁴ ~~45~~ and request that the patient give the information to the person with whom the patient has had sexual intercourse.

(4) A prescription order under sub. (2) shall expire on the 14th day after the day that it is made.

SECTION 6. 448.04 (1) (a) of the statutes is amended to read:

ASSEMBLY BILL 698

1 448.04 (1) (a) *License to practice medicine and surgery.* A person holding a
2 license to practice medicine and surgery may practice as defined in s. 448.01 (9) and
3 as provided in s. 448.035. ✓

4 SECTION 7. 450.10 (1) (a) (intro.) of the statutes is amended to read:

5 450.10 (1) (a) (intro.) In this subsection, "unprofessional conduct" includes any
6 of the following, ✓ ✓ but is not limited to does not include the dispensing of an antibiotic
7 drug as described in s. 450.11 (1g): ✓

8 SECTION 8. 450.11 (1) of the statutes is amended to read:

9 450.11 (1) DISPENSING. No person may dispense any prescribed drug or device
10 except upon the prescription order of a practitioner. All prescription orders shall
11 specify the date of issue, ~~the name and address of the patient,~~ the name and address
12 of the practitioner, the name and quantity of the drug product or device prescribed,
13 directions for the use of the drug product or device and, if the order is written by the
14 practitioner, the signature of the practitioner. Except as provided in s. 448.035 (2), ✓
15 all prescription orders shall also specify the name and address of the patient. Any
16 oral prescription order shall be immediately reduced to writing by the pharmacist
17 and filed according to sub. (2).

18 SECTION 9. 450.11 (1g) ✓ of the statutes is created to read:

19 450.11 (1g) DISPENSING CERTAIN ANTIBIOTIC DRUGS. (a) In this subsection,
20 ~~"Antibiotic drug"~~ has the meaning given in s. 448.035 (1) (b). ✓

21 (b) A pharmacist may, upon the prescription order of a practitioner, as specified
22 in s. 448.035, and under all other requirements of sub. (1), dispense ^{an} ~~single dose~~
23 ^{as a course of therapy} antibiotic drug for treatment of chlamydia, gonorrhea, or trichomonas to a patient
24 for use by a person with whom the patient has had sexual intercourse.

25 SECTION 10. Nonstatutory provisions.

ASSEMBLY BILL 698

1 (1) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. The department of
2 health and family services shall submit in proposed form the rules required under
3 section 46.03 (~~46~~⁴⁴ ✓) of the statutes, as created by this act, to the legislative council staff
4 under section 227.15 (1) of the statutes no later than the first day of the 7th month
5 beginning after the effective date of this subsection.

6 **SECTION 11. Effective dates.** This act takes effect on the first day of the 13th
7 month beginning after publication, except as follows:

8 (1) SECTION 10 (1) of this act takes effect on the day after publication.

9 (END)

↑ ↑
a.r.

**2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0083/lins
MDK:.....

INSERT 1A: ✓

The information must include information about sexually transmitted diseases and their treatment and about the risk of drug allergies.

INSERT 2-4: ✓

and encourage physicians, physician assistants, and advanced practice nurse prescribers to provide such information to a patient under s. 448.035 (3). The information shall consist of information about sexually transmitted diseases and their treatment and about the risk of drug allergies. The information shall also include a statement advising a person with questions about the information to contact his or her physician or local health department, as defined in s. 250.01 (4) ✓

INSERT 3-10: ✓

a statement that indicates that the patient should ask the person with whom the patient has had sexual intercourse whether that person is allergic to the drug, and a statement that indicates that the drug should not be taken by a person who is allergic to the drug. The prescription order

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

02-0083/1dn
MDK:.....
LRB
Kmg

Representative Wasserman:

This bill is a redraft of 2001 AB-698^V, as amended by AA1 and AA2. Note that AA2 incorporated all of the provisions of AA1, except that AA2 also added the last 2 sentences of proposed s. 46.03 (4⁴).

If you have any questions or redraft instructions, please contact me.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0083/1dn
MDK:kmg:pg

October 17, 2002

Representative Wasserman:

This bill is a redraft of 2001 AB-698, as amended by AA1 and AA2. Note that AA2 incorporated all of the provisions of AA1, except that AA2 also added the last 2 sentences of proposed s. 46.03 (44).

If you have any questions or redraft instructions, please contact me.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

Mentkowski, Annie

From: Osterberg, Sarah
Sent: Monday, January 13, 2003 9:57 AM
To: LRB.Legal
Subject: Draft review: LRB-0083/1 Topic: Authorize physician, physician assistant, or advanced practice nurse to prescribe & pharmacist dispense specific drugs to patient for use by another

It has been requested by <Osterberg, Sarah> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0083/1 Topic: Authorize physician, physician assistant, or advanced practice nurse to prescribe & pharmacist dispense specific drugs to patient for use by another